

**CITY OF KUNA  
REGULAR PLANNING & ZONING COMMISSION**

**MEETING MINUTES  
Tuesday, February 10, 2015**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	Absent	Wendy Howell, Planning Director	Present
Vice-Chairman Stephanie Wierschem	Absent	Troy Behunin, Senior Planner	Present
Commissioner Dana Hennis	Present	Trevor Kesner, Planner I	Present
Commissioner Cathy Gealy	Present		
Commissioner Joan Gay	Present		

**6:00 pm – COMMISSION MEETING & PUBLIC HEARING**

**Call to Order and Roll Call**

Commissioner Hennis called the meeting to order at **6:01pm**.

**1. CONSENT AGENDA**

- a. Approval of Planning and Zoning meeting minutes for January 13, 2015.
- b. **14-07-AN** (Annexation), **14-03-LS** (Lot Split); Daniel and Gina Safford.  
-Findings of Fact and Conclusions of Law: The applicant requests approval for Annexation of two existing parcels into the City of Kuna with an Agriculture (A) zoning designation, and splitting one of the parcels located at 1200 S. Ten Mile Road.

*Commissioner Gealy motioned to approve consent agenda;  
Commissioner Gay seconds, all aye and motion carried 3-0.*

**2. NEW BUSINESS:**

- a. Commission member elections for Chairman and Vice Chairman of the Planning and Zoning and Design Review Board.

C/Hennis: Do we have any nominations?

C/Gealy: Do we have any nominations we should know about?

No new nominations were indicated by the Planning Director.

*Commissioner Gealy motions to nominate Chairman Lee Young and Vice Chairman Stephanie Wierschem to continue.  
Commissioner Hennis seconds, all aye and motion carried 3-0.*

**3. PUBLIC HEARING:**

- a. **14-05-SUB** (Subdivision), **14-12-DR** (Design Review) and **05-05-SUP** (Amended- Special Use Permit)-  
Laren Bailey – LEI Engineers and Planners: Applicant requests amending the Special Use Permit and

# **CITY OF KUNA REGULAR PLANNING & ZONING COMMISSION**

---

## **MEETING MINUTES**

**Tuesday, February 10, 2015**

approval for a proposed preliminary plat, creating a multi-family subdivision (Crimson Point Villas No. 2) over approximately 1.24 acres. Applicant requests to amend the SUP, including permission to develop the site for multi-family housing. Applicant proposes five (5) lots for multi-family units and two (2) common lots which will be under the responsibility and maintenance of a Homeowners Association (HOA).

Troy Behunin: Good evening Commissioners, for the record, my name is Troy Behunin, Senior Planner for the City of Kuna, 763 W. Avalon, Kuna, Idaho. The application before you this evening is for Crimson Point Villas Subdivision number two (2), a pre-plat application, there is also a design review component, and an amendment proposed to the 05-05-SUP that was approved in 2006, but the case number is 05-05. There is complicated history on this and I will touch on that in a minute. All of the notification procedures and requirements have been fulfilled and the neighborhood held. The property owners within 300 feet have been notified, the site was posted and it was published in the newspaper for tonight's meeting. Actually, it was posted January's second meeting, but was postponed due to lack of quorum, it was tabled until this evening. Laren Bailey is the representative for the applicant who is here tonight and I am sure he will touch base on this after my remarks.

Earlier I said that this was a complicated matter. Hopefully you have had a chance to review the material. The packet was deemed complete by staff and I haven't had any questions about the packet so I can only assume that you've all been able to understand it. I'm just going to touch on some of the complications. This project was denied by the Planning and Zoning Commission back in 2005. That decision was appealed to the city Council, which approved the preliminary plat, but did not approve the special use permit. The applicant went back to the drawing board and made changes to the site plan and in the mean time appealed by asking for reconsideration of decision by the city Council. They had removed some of the overall units of multi-family that were supposed to be on the project. Because of that decision and a few other things, the Council then rescinded their decision and approved both the special use permit and the preliminary plat.

The original preliminary plat for Crimson Point Villas included some office buildings or limited office. The complicated fact was at the time, the city had a zone called limited office, but they (Council) were not approving that zone, they were approving limited office as a use for a very small section of land; Crimson Point Villas Number two (2). With that re-approval from Council of the preliminary plat for this small acre of land, and it was designed to be an office complex for professional offices. Well that was back in 2006. Things have changed, and the applicant has now asked that they be allowed to put multi-family units, which is completely complimentary to the adjacent Crimson Point Villa's number one (1) –So it would be a two-phased project with all of it being multi-family rather than multi-family on a portion of it and office use on this small one acre site.

In a nut-shell, the reason why they (applicant) have come back for an amendment to the special use permit is because originally, the Council had approved the limited office as a use for this Crimson Point Villas Number 2 outline; 'the footprint'. They would like to re-plat it and put multi-family housing on it rather than the offices. Staff consulted with the city attorney and he agreed that the only way to do this is to amend the special use permit which was eventually approved by the city Council and also to run through a revised preliminary plat.

That is the complicated issue before this board tonight.

C/Hennis: Thank you. One question that I had was when the original SUP was denied by Council, did it originally

# **CITY OF KUNA REGULAR PLANNING & ZONING COMMISSION**

---

## **MEETING MINUTES**

**Tuesday, February 10, 2015**

have this portion as a limited office in it? Or was that part of the reduction of the housing units?

Troy Behunin: No. Actually, what happened was Crimson Point Subdivision; the entire thing, and I believe there were eight (8) phases not including the Crimson Point Villas which would be nine (9), it was originally a PUD (Planned Unit Development). When they were denied by Planning and Zoning and then went to city Council for an appeal at that time, it was still limited office as a use. They wanted professional offices in this area. The record does not indicate that there was a concession to reduce the overall lot count because of a recommendation, or if it was just something that the applicant thought would get it going. I can't find it anywhere in the record or in the notes that said "hey, you need to reduce this count in order to get approval". I could not find that. It might be there or that may be what happened but I didn't see any evidence of that.

C/Hennis: Ok. I don't have any other questions, does anyone else.

C/Gealy: I don't have any questions.

Troy Behunin: There was a late exhibit that I had mailed to you last week. The applicant has also submitted a letter dated February 3<sup>rd</sup>. The letter describes their basis in fact for requesting a number of conditions from that special use permit from 2005 to be removed. And if you don't have any more questions for me, I will stand down.

C/Hennis: Thank you. Applicant?

Laren Bailey: Good evening Commissioners, my name is Laren Bailey with LEI Engineers-Surveyors. Our address is 3023 E. Copperpoint Drive, Ste. 201, Meridian, Idaho 83642. We agree with staff's analysis of the project and Troy's comments. I just want to fill you in on a couple of items of discussion maybe to help you understand why we're making the changes we are. I've been involved with this project since 2002 when the Crimson Point Subdivision first came about and it was envisioned that there would be some multi-family with some commercial uses within the residential project along Ten Mile. In that time since 2002 up to today, it has been available for commercial office or whatever else we could find to go there. The fact of the matter is the owners; the developers haven't been able to find anybody to utilize that property. And with the changes in market conditions and the downturn and the amount of office space available in Boise and Meridian today, there is a lot of unfilled office space still today, so the developer feels the likelihood of being able to sell or rent that office space is pretty low. So with Crimson Point being mostly a residential development anyway and with the Villas being constructed now, it made sense to try and add four (4) more buildings, so 20 total units to this site.

So that is why we are asking to change from office to residential with the multi-family. We feel it will fit in with the existing development and everything will flow together. They'll still have use of the clubhouse and the pool and the other amenities that are part of Crimson Point Villas and Crimson Point Subdivision as a whole.

To touch on Troy's comments about the items that we would like to remove from the site specific conditions of the original special use permit; these items were part of the overall development, and now we're getting into the final phases and some of the items have been constructed and some of them haven't. A couple of those are

**CITY OF KUNA**  
**REGULAR PLANNING & ZONING COMMISSION**

---

**MEETING MINUTES**

**Tuesday, February 10, 2015**

a basketball court, a volleyball court and a couple of picnic areas and the discussion is not trying to get out of something, the issue is what we're finding in 'the new world' as I call it or the world after the downturn is that HOA's (homeowners associations) and developers; you know it used to be that we would put all of these amenities in the development like open space, basketball and volleyball courts and those types of things, what we're finding is that those, over time are becoming a burden on some of those homeowners associations and developers as a whole. Especially where the city is working on their own district for recreation and their own things, we feel like we're adding things that are going to cost a lot more money to maintain over time, so we're just asking to remove those from the requirements at this time.

As I mentioned, Crimson Point Villas does have a clubhouse and a pool that will be available to those who live in this development as well. So that is why we wanted to try and remove those at this time. With that, I will stand for any questions that you might have.

C/Hennis: Thank you. Does anyone have any questions?

C/Gay: I don't have any questions.

C/Hennis: A couple of questions in regards to the request to remove like the basketball court and the volleyball court and such; is that just going to be turned into open space? Just lawn basically?

Laren Bailey: That's correct.

C/Hennis: In the first phase of this or the other portion of this, are they privately owned, or is this a rental situation for the multi-family housing?

Laren Bailey: This would be a rental situation; the buildings themselves are not condos to be individual ownership of each unit. Is that your question?

C/Hennis: Yeah, mainly what we have run into in the past in the beginning phases of things, those items which were guaranteed to owners, and then they were taken out in later phases, we have had a lot of upset owners and so I wanted to make sure that this wasn't an agreement upon something that someone was purchasing.

Laren Bailey: No. No, that's not the case.

C/Hennis: Ok. I don't have anything further.

C/Gealy: So then, going forward the continued landscaping maintenance and improvements that are required would still be the responsibility of the owners of the property in common?

Laren Bailey: Correct. Yes. And that's how the CC&R's are written, that it will be maintained as one facility as far as Crimson Point Villa's number one (1) and number two (2).

**CITY OF KUNA**  
**REGULAR PLANNING & ZONING COMMISSION**

---

**MEETING MINUTES**  
**Tuesday, February 10, 2015**

C/Gealy: So number two (2) just becomes a part of that?

Laren Bailey: Correct.

C/Hennis: So if you have been with this since the beginning was this limited office space part of the original plan or was it added as a component of the SUP agreement?

Laren Bailey: Again, this was some twelve odd years ago, so ... But my recollection is that the idea with the PUD was to try and incorporate some different uses. Often times in planning we have some ideas about what might work, and then we find out down the road that either it's great or it didn't really work like we had planned. I think this is just one of those cases where development and different things didn't happen on Ten Mile as much as we thought as far as commercial development. And so where there is a lot of residential around, it doesn't mean ...I'm not saying that it can't possibly work, but what I'm saying is that it's been available for this long and we've just had not takers so at this point...

C/Gealy: No takers?

Laren Bailey: yeah... so it's sits vacant for ten more years or we can find use for it today.

C/Hennis: But I mean, in the original plat or PUD, it was going to be utilized as office space, so it was there from the beginning. Or rather it was commercial.

Laren Bailey: Well, I mean it was commercial but the whole area where these apartments are were commercial. And the original thought was that maybe a grocery store or something would go in there; that was what we originally talked about but things have developed on the other side of town and probably aren't going to end up in this area of Ten Mile.

C/Hennis: Ok. That's all I've got. Thank you.

Laren Bailey: Ok. Thank you.

C/Gealy: Thank you.

C/Hennis: Do we have the sign-up sheets? Thank you. Ok at this point we're going to go ahead and open the public hearing portion of this at 6:22 p.m. As the only one signed up currently has already spoken, is there anyone else that would like to speak on this topic? Would you like to come up? Please approach if you would state your name and address for the record.

Jean Sini: My name is Jean Sini, I live at 1537 W. McHenry across the street from Ten Mile. And I received a

# **CITY OF KUNA**

## **REGULAR PLANNING & ZONING COMMISSION**

---

### **MEETING MINUTES**

**Tuesday, February 10, 2015**

notice in the mail regarding this meeting so that's why I've attended. The gentlemen did mention how many units there would be in Crimson Villas, but I didn't hear him. How many units will there be and are they considered luxury or is the homeowners association separate from the original Crimson Point? Or will it be a homeowners association within the Crimson Point Villas. Is the pool and clubhouse for the Crimson Villas?

C/Hennis: I think it would be easiest if we had the applicant go ahead and answer that directly if you don't mind? I think those are good questions, thank you.

Laren Bailey: So if I remember those in the right order; how many units? This phase will add 20 living units. The pool and clubhouse would be for the Crimson Villas and would be part of that H.O.A. (homeowners association). It won't necessarily be part of the bigger Crimson Point itself. They are separate.

Jean Sini: How many units was the first phase?

Laren Bailey: The phase that we're speaking of tonight, so 20 units. There is 134 units that were previously approved and are under construction.

Jean Sini: So will there be traffic lights installed on Ten Mile and Deer Flat? I mean the access to this...*Inaudible*... Sorry. I'm concerned with the traffic; I mean that sounds like an awful lot of units.

C/Hennis: Right now, currently as I understand it, and the applicant can help with this too; it doesn't enter directly off of Ten Mile, it will enter off of Crenshaw, towards the northern end of that development and comes in off of a couple of other roads.

Jean Sini: But Ten Mile itself; we're off the crossroads of Ten Mile and Deer Flat, there is just currently a stop sign there. Will there be a traffic light installed considering this is going to generate an awful lot of traffic with all these people that are going to be moving in and Ten Mile right now is a little bit of a race track? It is!

C/Hennis: That's very true. I know that there is a bunch of ACHD future plans for that which I don't have in front of me.

Jean Sini: When you say future plans, is it something that would be added after these Villas are completed?

C/Hennis: Yes, what they usually do with that is they will look at the traffic flow and study it. As traffic is added and the area becomes more developed and more traffic is added on that road, they have these in ten (10) and five (5) year intervals as they foresee the need for speed control and traffic control of that nature. So as the traffic increases, they'll take that need and they'll bump that up in priority as we go. So that is something that basically ACHD will review down the road as well.

C/Gealy: ACHD also reviewed this application. They review every application that comes before us that involves



**CITY OF KUNA**  
**REGULAR PLANNING & ZONING COMMISSION**

---

**MEETING MINUTES**  
**Tuesday, February 10, 2015**

an increase in housing units.

Jean Sini: So, regarding this first phase of 20 units, when is the projected completion date?

C/Hennis: Laren, do you have that?

Laren Bailey: As far as completion goes, it's all market-driven. The first phase, I believe ...*Inaudible*. So in the first phase of Crimson Point Villas about half of the site work has been completed so they could build about 50 to 60 units. But it's going to be market-driven. They're going to build a couple of buildings and as those fill up, then they'll build a couple more. In all likelihood, depending on market conditions, my client believes probably in the next three (3) to four (4) years, Crimson Point Villas #2 would get constructed. So the first phase of Crimson Point Villas will come forward and then the second phase would need to be constructed down the road, and this phase would be done.

Jean Sini: Are they one-story? Two-story, three-story?

Laren Bailey: They're four-plexes, so they're two stories. One unit up and two down.

C/Hennis: We've got a little bit of a plan.

Jean Sini: Do you have anything that will show what these will look like?

Troy Behunin: We had those available during the design review. We would be happy to share that information with you.

Jean Sini: Ok. So, as far as a completion date, you're saying three to four years? To begin renting, or will there be some completed prior to that time? You don't know or?

C/Hennis: Could you state your name and address please?

Tim Eck: My name is Tim Eck, I live at 6152 Half Moon Lane in Eagle. I also work with the applicant. To answer the questions, phase one will be ...about half of the pads are improved now. So there will be a process of constructing buildings and occupying buildings for that but that will probably commence this year. Strictly market driven will be the pad improvement of the second half of phase one, then we will move to the pad improvement of what we're calling phase two. It could be a few years before we even see any buildings erected out there; however, Crimson Point number five was platted and is being finished off in three separate stages. Five-A (5-A) is complete, Five-B (5-B) is complete, Five-C (5-C) is platted and improvements are bonded, we'll finish Crenshaw out to Ten Mile. At the time that we do that, these lots will not be needed. We'll probably put in the street improvements to finish this up because it's just such a small section of the improvement, so it doesn't make sense to leave it incomplete, so when we come in and finish up phase five-C (5-C), we'll likely finish the

**CITY OF KUNA**  
**REGULAR PLANNING & ZONING COMMISSION**

---

**MEETING MINUTES**

**Tuesday, February 10, 2015**

road that will improve Crimson Villas No. 2. But then to drop back and do the actual pad improvements; the sewer into the parking lots and stuff, that will probably take place maybe a year or two after. Just as market demands so you know, unless something really changes then it's probably two or three years before you would see any vertical improvement there.

Jean Sini: Thank you.

C/Hennis: No problem, thank you. Does anyone else have any questions or ...? Ok, I will go ahead and close the public hearing at 6:30 pm. Do you have ...

C/Gealy: I think it's a good use. I think the location backing up on Ten Mile; it fits where they have put it. I really don't have any questions and I don't have any concerns.

C/Hennis: Myself, I think it looks like the continuation of the first set and really it's just kind of taking that little spot out and making it look like the rest of it. Now, do we have any issues or questions regarding the removals of the basketball court and the volleyball court?

C/Gay: That is just going to be open space and not more units?

C/Hennis: Yes.

C/Gay: Then no, I don't have anything.

C/Hennis: And then landscaping and design review; it matches everything around the others so...if there are no other questions, I will stand for a motion.

C/Gealy: Do you have any other questions?

C/Gay: I don't have any.

*Commissioner Gealy motions to approve 14-05-SUB (Subdivision), 14-12-DR (Design Review) and 05-05-SUP (Amended- Special Use Permit) for Crimson Point Villas Subdivision No. 2 with the conditions of approval as stated in the staff report.*

C/Hennis: And the additional amendment letter? The one that was sent out?

C/Gay: The one removing the basketball and volleyball court?

Troy Behunin: Is that adopting the letter?



**CITY OF KUNA**  
**REGULAR PLANNING & ZONING COMMISSION**

---

**MEETING MINUTES**

**Tuesday, February 10, 2015**

C/Gealy: Well, I should ask if staff had any additional concerns. No?

*Commissioner Gealy motions to approve 14-05-SUB (Subdivision), 14-12-DR (Design Review) and 05-05-SUP (Amended- Special Use Permit) for Crimson Point Villas Subdivision No. 2 with the conditions of approval as stated in the staff report and adopting the letter dated February 2<sup>nd</sup>, 2015; Commissioner Gay seconds the motion, all aye and motion carried 3-0.*

**4. DEPARTMENT REPORTS:**

a. None.

**5. CHAIRMAN / COMMISSIONER DISCUSSION:**

a. C/Gealy stated that she attended a fair house seminar at the City of Boise recently and found it very informative.

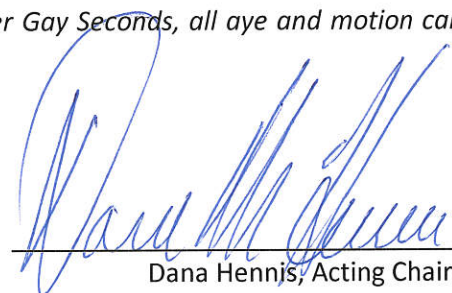
C/Gay asked if there were any changes.

C/Gealy stated that there may some changes coming with H.U.D. program policy and H.U.D. will be issuing new guidelines within the next few weeks. Fair housing is different that affordable housing and these updates are something that all should be aware of. Special Use Permits will require careful consideration with regard to hearings and what information is entered into the record. Especially with group housing situations and protected classes.

Trevor Kesner, Kuna city planner also attended the same seminar and will provide the follow-up information and power point to Commissioners.

**6. ADJOURNMENT:**

*Commissioner Gealy motions to adjourn at 6:34pm; Commissioner Gay Seconds, all aye and motion carried 3-0.*

  
\_\_\_\_\_  
Dana Hennis, Acting Chairman  
Kuna Planning and Zoning Commission

ATTEST:



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Wendy I. Howell, Planning and Zoning Director  
Kuna Planning and Zoning Department